**THE HON'BLE SRI JUSTICE V.V.S.RAO**

WRIT PETITION No.1631 of 2006

**30.1.2006**

Between:

A.Subba Reddy, S/o.A.Balreddy

And another

… Petitioners

AND

The Director of Civil Supplies, A.P., Hyderabad

And others

… Respondents

**THE HON'BLE SRI JUSTICE V.V.S.RAO**

WRIT PETITION No.1631 of 2006

ORDER:

The two petitioners are kerosene hawkers of Ramakkapet village of Musunuru Mandal in Krishna District. The licences issued by the third respondent were suspended by the second respondent by proceedings dated 06.12.2005 pending enquiry. Assailing the same, the petitioners preferred appeals before the first respondent under Clause 31 of A.P. Petroleum Products (Licensing & Regulation of Supplies) Order 1980 (the Control Order, for brevity). They also filed applications of

stay. As no orders passed, the present writ petition is filed.

Learned Counsel for the petitioners submits that in the absence of any proceedings pending under Clause 28(1) of the Control Order, the interim suspension of the licence is unsustainable. A Division Bench of this Court in **Gummadisetti v Joint Collector, Khammam** has taken such a view having regard to the language used in clause 28(2) of the Control Order. Secondly, the licensing authority insofar as the kerosene is concerned Mandal Revenue Officer and Revenue Divisional Officer is appellate authority. Curiously, the impugned order is passed by the Joint Collector. These are formidable objections and the petitioners are justified in making out their grievance. However, as they have already filed appeals before the first respondent, it would not be proper to interfere at this stage. The first respondent is therefore directed to dispose of the appeals filed by the petitioners against the proceedings of second respondent within a period of one week from today. In the event of appeals are not being disposed of by the first respondent, the third respondent would permit the petitioners to carry on their business based on the licences issued to them.

The writ petition, with the above observations and directions, is accordingly disposed of. No costs.

_____

(**V.V.S.RAO,J**)

January 30, 2006.

NOTE:

Issue order copy by 31.1.2006.

(By order) YS